

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.) Criminal No. 04-10271-PBS
)
JUAN RIVERA, et al.)

JOINT SUBMISSION OF THE PARTIES UNDER LOCAL RULE 116.5(C)

Pursuant to Local Rule 116.5(C), the parties state as follows:

1. Outstanding Discovery Issues

The parties are not aware of any outstanding discovery issues not yet presented to or resolved by the Court.

2. Anticipated Additional Discovery

The government has just produced some draft transcripts of recordings and other materials requested. The parties are not aware of any discovery required to be produced pursuant to the Local Rules that has not already been produced or addressed by counsel. Should the parties become aware in future of any additional discovery that needs to be disclosed, such discovery will be provided in accordance with the Local Rules.

3. Defense of Insanity or Public Authority

The defendants have not indicated an intent to assert a defense of insanity or public authority.

4. Notice of Alibi

The defendants have not indicated an intent to assert an alibi defense.

5. Dispositive Motions

The defendants have not indicated an intent to file any motions to dismiss, or suppress, or any other motion requiring a ruling by the District Court before trial.

6. Scheduling

The parties are not aware of any issue requiring scheduling but require some additional time to continue efforts to resolve the case, as discussed below.

7. Plea Negotiations

The parties anticipate a trial in this matter, but request additional time to finalize plea discussions.

8. Excludable Delay

Pursuant to previous orders of this court, all prior days have been excluded from the calculations of the Speedy Trial Clock. Thus, there are 70 days remaining for a trial in this case. The parties request that the period between October 8, 2005 and the pretrial conference be excluded from the Speedy Trial Clock, in the interests of justice.

9. Whether Trial is Anticipated; Length of Trial

The government anticipates a trial in this case and it will last approximately one week.

ALEXANDER GONZALEZ
By his attorney,

Respectfully submitted,

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DATE: October 6, 2005